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FEB 17 2000

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In re Application of	:	
Hiroshi SUZUKI, et al.	:	
Serial No.: 09/331,829	:	
PCT No.: PCT/JP97/04889	:	DECISION ON
Int. Filing Date: 26 December 1997	:	PETITION
Priority Date: 27 December 1996	:	UNDER 37 CFR 1.42 AND 1.44
For: CURATIVES FOR EPOXY RESIN,	:	
CURING ACCELERATOR, AND	:	
EPOXY RESIN COMPOSITION	:	

This is a decision on the papers filed 23 June and 20 July 1999.

On 26 December 1997, applicants filed international application PCT/JP97/04889, which claimed priority of an earlier Japanese application filed 27 December 1996. A copy of the international application was received by the United States Patent and Trademark Office from the International Bureau on 09 July 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 April 1998. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 27 June 1999. Applicants paid the basic national fee of \$970.00 on 23 June 1999.

In order to satisfy the requirement of 35 U.S.C. 371(c) and 37 CFR 1.495 that an oath or declaration of the inventors be submitted, applicants submitted on 23 June 1999 a declaration under 37 CFR 1.497 executed by co-inventors Hiroshi SUZUKI and Satoru ABE, and by Midori AOKI in her capacity as legal representative of deceased joint inventor Izuo AOKI.

Then on 20 July 1999 applicants submitted a certified copy of the original family

registry of deceased joint inventor Izuo AOKI and translation thereof reflecting that Izuo AOKI is survived by his wife, Midori AOKI and his minor son, Keisuke AOKI.

Although applicants' counsel invokes Articles 824, 887 and 890 of the current Japanese Civil Law to declare that Mrs. Midori AOKI and Keisuke AOKI are the sole heirs of deceased joint inventor Izuo AOKI and that Mrs. Midori AOKI has the legal right to represent the minor child Keisuke AOKI, no copies of such relevant articles along with their translation have been filed. The declaration by counsel cannot be constituted as "a legal memorandum prepared and signed by an attorney at law familiar with the law of the jurisdiction involved" as required in MPEP 409.01(a).

It should also be noted that the certified copy of the original family registry of deceased joint inventor Izuo AOKI does not include an apostille affixed to it. See MPEP section 409.01(b)

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED. However, further proof of authority of the legal representatives in compliance with 37 CFR 1.44 MUST be submitted before the grant of a patent.

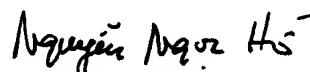
It is the responsibility of the examiner to ensure that sufficient proof of authority has been submitted in accordance with 37 CFR 1.44. If the proof of authority is ultimately found to be insufficient, the application must be returned to the PCT Legal Office.

The application is being returned to the United States Designated/Elected Office for further processing. The declaration is acceptable under 37 CFR 1.42.



Richard Cole
PCT Legal Examiner
PCT Legal Office

NNH/RC:hn



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